

REMARKS

Entry of this Amendment, reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims are respectfully requested in light of the amendments made to the claims and the remarks made herein.

Claims 1-3, 5-7 and 9-19 are pending and stand rejected.

Claims 1-3, 5-7 and 9-18 stand rejected under 35 USC 103(a) as being unpatentable over Okada (USP No. 5,809,454) in view of Itakura (USP No. 5,901,149).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims as neither Okada nor Itakura teach or suggest the novel features recited in the claims.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Okada, as read by applicant, discloses an audio reproducing apparatus that includes an audio decoder and a voice speed converting unit. More specifically, the device of Okada provides a means for synchronizing an audio track with a video track when the playback speed is either in a fast forward mode or a slow play mode. Okada teaches that "when the bit rate of the system stream is greater than that in a normal playback mode, the bit rate of audio signals becomes greater and when the bit rate of the system stream is smaller ... the bit rate ... becomes smaller." (see col. 6, lines 47-52). Okada teaches that in the fast playback mode, the audio bit stream is faster than the normal rate and the voice speed is made to approach that of the normal playback mode by a compression of the speech intervals. (See col. 8, lines 56-67). This compression factor is from the playback speed "m" to a factor of 1. However, in the slow playback mode, the bit rate becomes lower than in normal playback mode and soundless intervals are placed between sound intervals. In this mode there is no compensation for the lower bit

rate. (see col. 9, lines 14-16). Accordingly, Okada does not disclose “adjusting the presenting speed in dependence on [a] difference value so that the presenting speed correlates to the reception rate,” as is recited in the claims. Rather, Okada maintains a constant rate of presentation by compressing the data or by inserting non-speech intervals, independent of the receiving rate.

Itakura, as read by applicant, discloses a decoding system in which a system clock is generated based on a time stamp contained in the transmission data, which is stored in a storage unit. The read-out of the data from the storage unit is larger when the storage is greater than a predetermined reference value and lower when the storage amount is smaller than the predetermined reference value. Hence, Itakura discloses a system that varies the output rate (presenting rate) based on the amount of data available for presentation and independent of the reception rate. Accordingly, Itakura does not teach or suggest “adjusting the presenting speed in dependence on [a] difference value, so that the presenting speed correlates to the reception rate.” Rather, teaches buffering the input signal and providing a constant output rate until the amount of storage used exceeds a predetermined threshold.

Neither Okada nor Itakura, individually or in combination, discloses or suggests all the elements of the present invention. Further, even if the devices of Okada and Itakura were combined, as suggested by the examiner, the combined device would not disclose all the elements of the invention recited in claim 1. For example, the combination of Okada and Itakura would not adjust the presenting speed to correlate to the reception rate, as is recited in the claims.

Having shown that the combined device resulting from the teachings of the cited references does not include all the elements of the present invention, applicant submits that the reasons for the examiner’s rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to independent claim 9, this claim recites an method similar to the method recited in claim 1 and has been rejected by the examiner citing the same reference used in rejecting claim 1. Accordingly, the applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of

claim 9. Accordingly, in view of the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claim 9, applicant submits that the reason for the rejection of claim 9 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to independent claim 18, this claim recites an apparatus for implementing the method recited in claim 9 and has been rejected by the examiner citing the same reference used in rejecting claim 9. Accordingly, the applicant's remarks made in response to the rejection of claim 9 are also applicable in response to the rejection of claim 18. Accordingly, in view of the remarks made with regard to the rejection of claim 9, which are reasserted, as if in full, in response to the rejection of claim 18, applicant submits that the reason for the rejection of claim 18 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 2, 3, 5-7, 10-19, these claims ultimately depend from independent claims 1, 9 and 18, respectively, which have been shown to be not obvious and allowable in view of the cited references. Accordingly, the aforementioned claims are also allowable by virtue of their dependence from an allowable base claim.

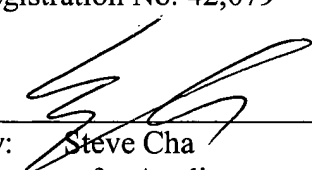
Applicant would bring to the examiner's attention that in the Response to the prior Office Action, applicant included new claim 19, which the examiner has not commented upon. However, as noted above claim 19 depends from claim 18, which is believed to be an allowable condition. Accordingly, claim 19 is also believed to be allowable based on its dependency from an allowable claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: December 7, 2004


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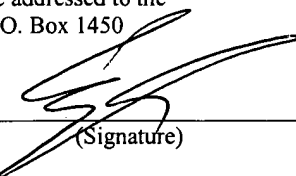
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